

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

JESUS CASTELO-MEZA,)

Defendant.)

Case No.: 2:20-cr-00045-GMN-EJY-1

ORDER

Pending before the Court is Defendant Jesus Castelo-Meza's ("Defendant's") Motion for Sentence Reduction under 18 U.S.C. 3582(c)(2), (ECF No. 95). The Government filed a Response, (ECF No. 96), and Defendant did not file a Reply.

For the reasons discussed below, the Court **DENIES** Defendant's Motion for Sentence Reduction.

I. BACKGROUND

On March 16, 2020, Defendant pleaded guilty to one count of Conspiracy to Distribute a Controlled Substance in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(viii), and 846. (*See* Mins. Proceedings, ECF No. 60). On July 14, 2020, Defendant was sentenced to 48 months' custody to be followed by one year of supervised release. (*See* Mins. Proceedings, ECF No. 93); (J., ECF No. 94). Defendant now petitions the Court for a sentence reduction under Amendment 782 to 18 U.S.C. 3582(c)(2). (*See generally* Mot. Sentence Reduction, ECF No. 95).

II. LEGAL STANDARD

"A federal court generally 'may not modify a term of imprisonment once it has been imposed.'" *Dillon v. United States*, 560 U.S. 817, 819 (2010) (quoting 18 U.S.C. § 3582(c)).

1 Congress provided a narrow exception to that rule “in the case of a defendant who has been
 2 sentenced to a term of imprisonment based on a sentencing range that has subsequently been
 3 lowered by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2); *see also Dillon*, 560 U.S. at
 4 825 (noting that “§ 3582(c)(2) does not authorize a sentencing or resentencing proceeding” but
 5 instead provides for the “ ‘modif[ication of] a term of imprisonment’ by giving courts the
 6 power to reduce an otherwise final sentence in circumstances specified by the Commission”)
 7 (alteration in original). This authority to modify a previously-imposed prison sentence
 8 “represents a congressional act of lenity intended to give prisoners the benefit of later enacted
 9 adjustments to the judgments reflected in the Guidelines.” *Dillon*, 560 U.S. at 828..

10 **III. DISCUSSION**

11 Defendant seeks a two-level reduction to his sentencing range based on the Sentencing
 12 Commission’s Amendment 782 to § 3582(c)(2). (Mot. Sentence Reduction at 1).¹ To support
 13 this contention, Defendant explains that Amendment 782, which was adopted in 2014,
 14 “effected an across-the-board, two-level reduction of base offense levels for drugs” based on
 15 the Supreme Court’s decision in *Hughes v. United States*, 138 S. Ct. 1765 (2018). (*Id.*). In
 16 *Hughes*, the Supreme Court found that a defendant convicted of conspiracy to distribute
 17 methamphetamine and sentenced under a binding plea agreement could have his sentence
 18 reduced under 18 U.S.C. § 3582(c)(2) if the Sentencing Commission *retroactively* lowered the
 19 Sentencing Guidelines. 138 S. Ct. 1765, 1775–78 (2018). Ultimately, the defendant in *Hughes*
 20 was eligible for a sentence reduction because he was sentenced before the Sentencing
 21 Commission adopted Amendment 782. *See id.* at 1774.

22 In the present case however, Amendment 782 was already in effect at the time of
 23 Defendant’s sentencing, and the Sentencing Commission has not released any other

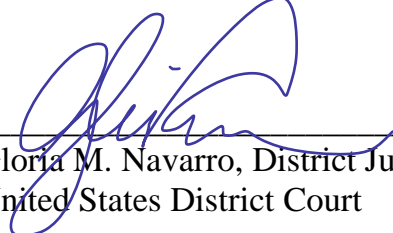
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 25 ¹ Defendant’s base offense level was originally 34. However, after reductions for acceptance of responsibility and safety valve, Defendant’s total offense level was 29. (*See* Resp. 2:14–17, ECF No. 96) (PSR ¶¶ 33–42).

1 retroactively applicable amendments to the Sentencing Guidelines. In fact, the Government
2 argues that Defendant's request for a reduced sentence is invalid because there has been no
3 adjustment to the Sentencing Guidelines. *See* 18 U.S.C. § 3582(c)(2); (Resp. 3:9–13, ECF No.
4 96). The Court agrees. Because the Sentencing Commission has not released guidance
5 lowering the sentencing range applicable to Conspiracy to Distribute a Controlled Substance
6 since Defendant's sentencing, the Court finds Defendant ineligible for any reduction in
7 sentence pursuant to 18 U.S.C. § 3582(c)(2).

8 **IV. CONCLUSION**

9 **IT IS HEREBY ORDERED** that Defendant's Motion for Sentence Reduction, (ECF
10 No. 95), is **DENIED**.

11 **DATED** this 21 day of April, 2021.

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16 Gloria M. Navarro, District Judge
17 United States District Court
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